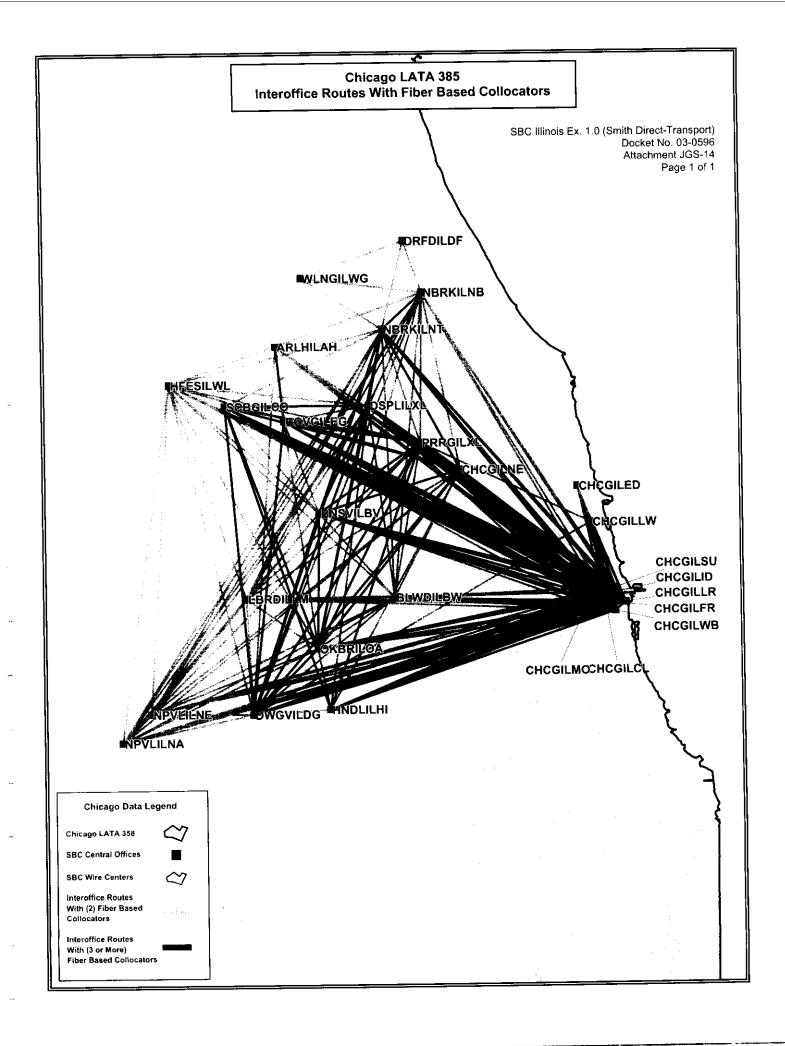
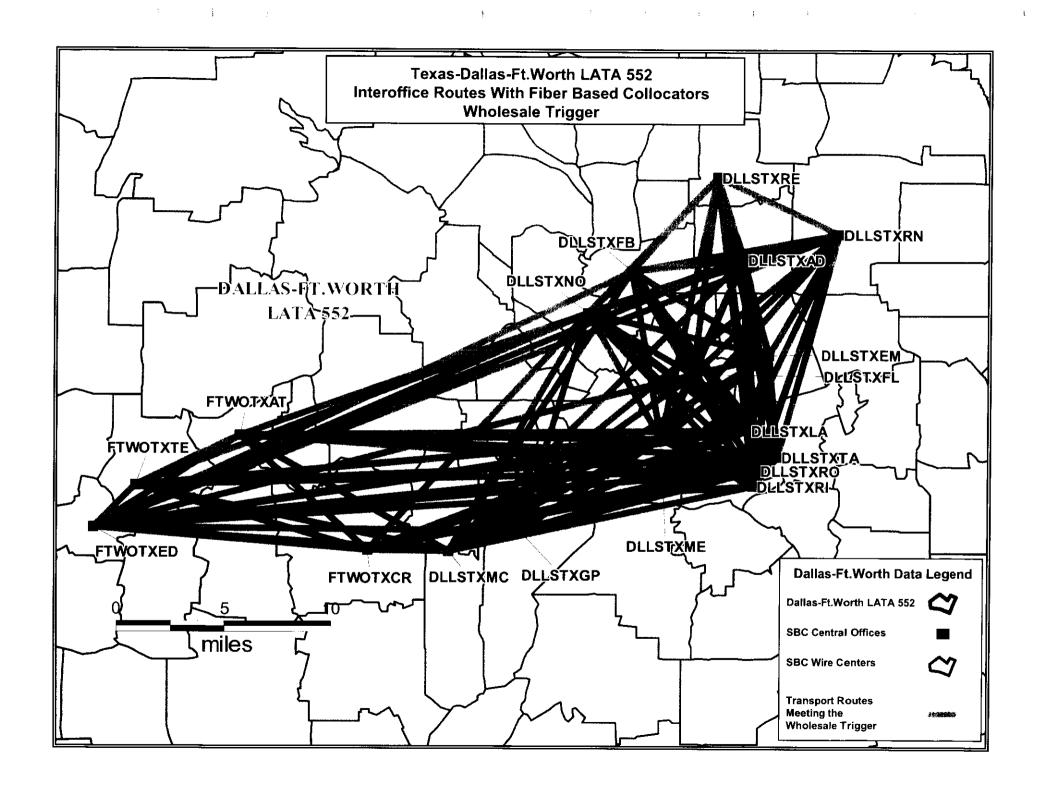
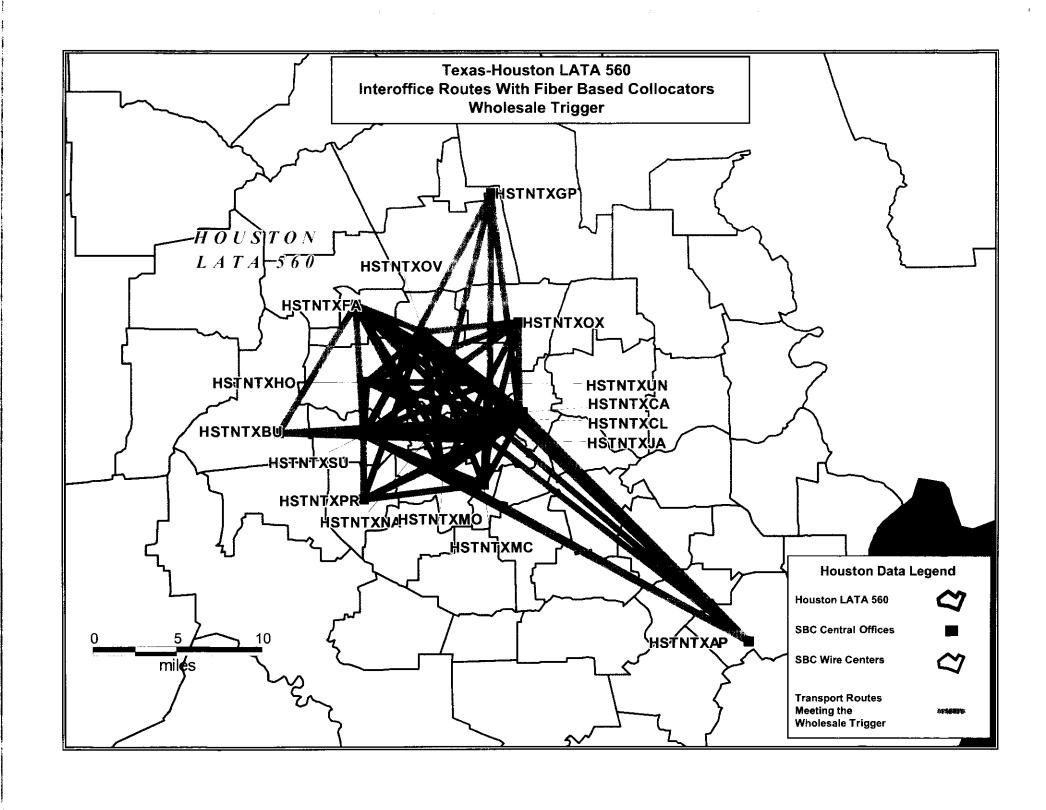
# Attachment B Exhibit 3 Part 1

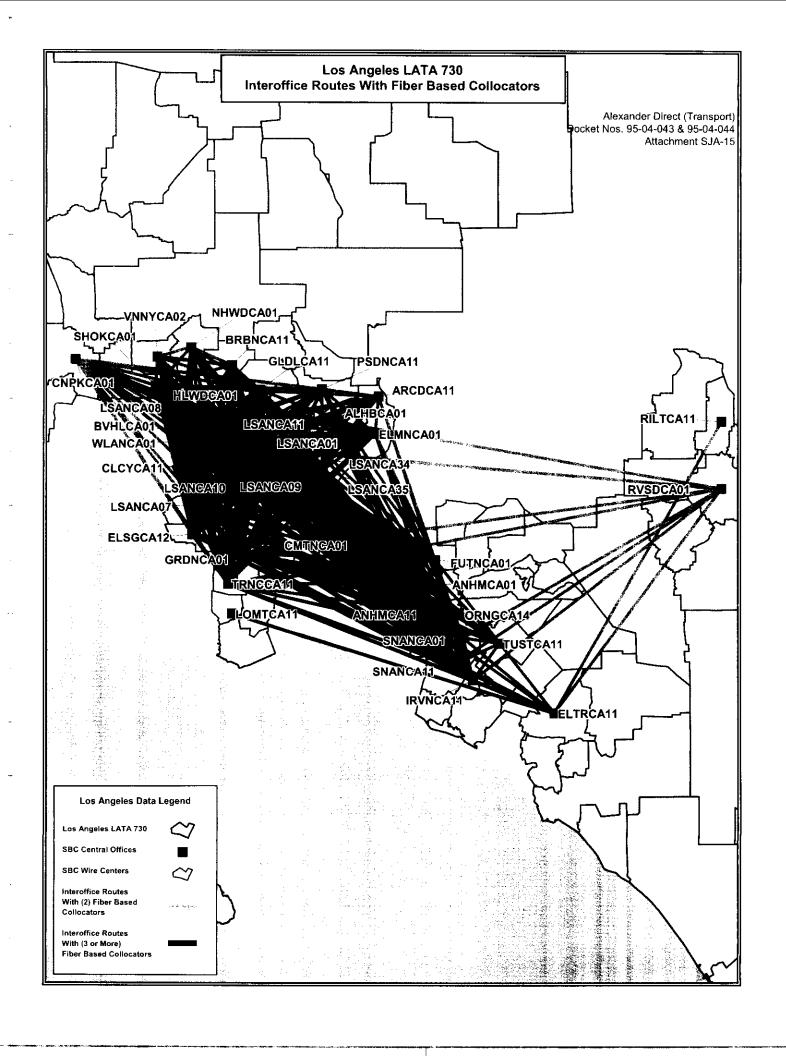


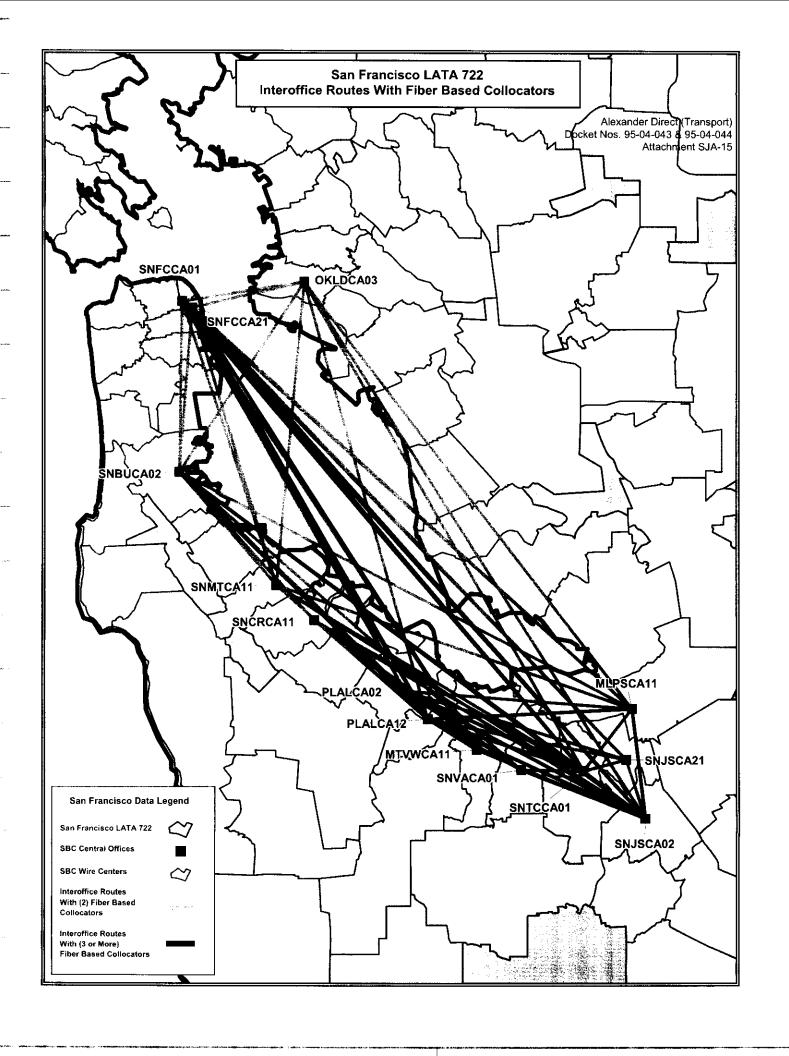
# Attachment B Exhibit 3 Part 2





# Attachment B Exhibit 3 Part 3





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#### Attachment B Exhibit 7

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# Attachment B Exhibit 8 Part 1

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### Attachment B Exhibit 9

#### ADMINISTRATIVE LAW JUDGE'S RULING

Access One,CIMCO Communications, Focal Communications, Forte Communications, Globalcom, MGC Communications d/b/a Mpower Communications and XO Illinois ("Certain CLECs") have filed a Motion to Strike Portions of SBC Exhibits 1.0, 2.0 and 2.0 ("Motion"). The ground for the Motion is hearsay.

SBC has filed an Opposition to Certain CLECs' Motion to Strike ("Opposition"), urging rejection of the Motion. SBC does not disagree that the pertinent testimony and attachments are hearsay (although SBC does contend that those materials qualify for admission under an exception to the hearsay rule). SBC'S principal ground for rejection is that the pertinent materials may be admitted to the record under 83 Ill.Adm.Code 200.610(b) as evidence "of a type commonly relied on by reasonably prudent persons in the conduct of their affairs."

Section 610(b) does not establish an exception to the hearsay rule. Rather, it formulates a principle by which proffered evidence can be admitted to the record even though it might otherwise be excluded under the rules of evidence. Thus, Section 610(b) is applicable to proffered evidence generally, and not solely to evidence subject to the hearsay rule.

The hearsay rule focuses on the trustworthiness of the "declarant," (who is neither testifying under oath nor subject to cross-examination) and his/her information. Section 610(b), in contrast, looks for a history of common reliance on the pertinent information by persons who have sufficient knowledge and experience to assess its efficacy. Section 610(b) therefore encompasses more than veracity. It also considers whether reasonably knowledgeable persons have staked the outcome of their affairs on the reliability of the information.

Accordingly, the appropriate inquiry here is whether reasonably prudent persons in commerce and government (and, particularly, in telecommunications) commonly use the challenged information for the purposes for which SBC offers that information in this case. Each challenged source of information, and the purpose(s) for which that subject information is offered to the record, will be considered separately below.

#### GeoResults ("GR")

First, GR's database is one source for SBC maps of fiber transport facilities in metropolitan and downtown Chicago. SBC Ex. 1.0, Att. 3; SBC Ex. 2.0 (several attachments). SBC contends that GR's clientele includes many of the principal telecommunications services and equipment providers in the United States. SBC Ex. 1.0 at 19. SBC further asserts that telecommunications carriers use GR information "to assess the availability of transport networks with which to